IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1891 OF 2005

Dr.Smt.Devika V.Joshi
and Anr. ..Applicants

Vs.

Shri.Madhukar Sitaram
Patil & Anr. ..Respondents

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Mr.S.R.Chitnis with
Mrs.V.R.Raje Advocate for Applicants
Mr.Rajesh More A.P.P. for the State
Mr.Madhukar Patil respondent no.1 in person.

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 19,2005

P.C.

1. Heard the learned advocate for the applicants, the learned A.P.P. for the State and Mr.Madhukar Patil the respondent no.1 in person, who is complainant in C.C.No.2946 of 2004. The said case is pending before the learned J.M.F.C. IIIrd Court, Bhiwandi. In the said case, process came to be issued against the applicants under Section 304-A r.w. 34 of IPC. The applicants had prayed for quashing of process.

3. The complainant Mr.Madhukar Patil who is present in person, has stated that complaint had been filed on account of misunderstanding and he does not wish to prosecute his complaint. He has filed his written submission to the above effect which are taken on record and marked ‘X’ for identification. He has also annexed xerox copy of his identity card which is also taken on record and marked as ‘X-1’ for identification.

4. In view of the fact that the complainant does not wish to prosecute his complaint, I am of the opinion that no purpose would be achieved by continuing with the proceeding relating to the said case. In this view of the matter, the proceedings relating to C.C.No.OMA No.273 of 2002 pending before the learned Judicial Magistrate, F.C.IIIrd Court, Bhiwandi, are quashed and set aside.

5. Application is disposed of.

[V.K.TAHILRAMANI,J.]